



Robert A. Izard
860-493-6295
rizard@ikrlaw.com

May 2, 2022

MEMO ENDORSED.

Via Electronic Case Filing

The Honorable Ona T. Wang
U.S. District Court Magistrate Judge, S.D.N.Y.
500 Pearl Street
New York, NY 10007

Re: ***Masten v. Metropolitan Life Insurance Co.***
18-cv-11229-RA (S.D.N.Y.)

Dear Judge Wang:

The Plaintiffs request that the Court extend the deadlines in Section 4 of Case Management Plan and Scheduling Order (ECF No. 119, as amended by ECFs No. 130 and 144) relating to Plaintiffs' motion for class certification.

Plaintiffs filed their motion for class certification on February 21, 2022. The Scheduling Order in this action provides that Defendants have an opportunity to depose Plaintiffs' expert in advance of filing their opposition papers. (ECF No. 119.) Under the prior schedule, because of preexisting commitments, including out-of-country travel by Plaintiffs' expert, holidays, and vacation schedules, the first available date for the deposition of Plaintiffs' expert for all parties and Plaintiffs' expert was May 5, 2022. As such, the parties agreed that, subject to the Court's consent, Defendants' opposition brief and supporting papers will be due May 25, 2022; and Plaintiffs' reply brief will be due June 22, 2022. The Court approved this Schedule on March 7, 2022 (ECF. No. 144). The Plaintiffs request that the schedule be modified to provide that Defendants' opposition brief and supporting papers will be due June 17, 2022; and Plaintiffs' reply brief will be due July 15, 2022.

There is good cause for the Court to approve these amendments. Plaintiffs' expert's deposition was scheduled for this Thursday, May 5, in California. The mother of the attorney defending this deposition is gravely ill and the family has gathered. Due to other commitments, no other attorney is available to defend the deposition. Accordingly, the parties have agreed to conduct

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the deposition on May 19, 2022. This extension of the deposition date will require a brief extension for the date of Defendants' Opposition and Plaintiff's Reply.

Defendants consent to this request for an extension. While this is the third request for extension of the deadlines related to the motion for class certification, it is requested solely due to these difficult personal circumstances.

Thank you for your consideration.

Respectfully submitted,

/s/ Robert A. Izard
Robert A. Izard
Douglas P. Needham
Izard, Kindall & Raabe, LLP
29 South Main Street, Suite 305
West Hartford, CT 06107
rizard@ikrlaw.com
dneedham@ikrlaw.com

Counsel for Plaintiffs

Application **GRANTED**. The parties' revised briefing schedule regarding Plaintiffs' motion for class certification is hereby adopted.

SO ORDERED.



Ona T. Wang 5/3/22
U.S.M.J.